

LAW OFFICES OF SIMON HARTER, ESQ.

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Attorneys for Plaintiff, Metall und Rohstoff

Shipping (and Holdings) B.V.

JUDGE COTE

08 CV 1870

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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METALL UND ROHSTOFF SHIPPING (AND :
HOLDINGS) B.V., :

Plaintiff, :

-against- :

FERLAND AND CO LTD., :

Defendant. :

**AFFIDAVIT PURSUANT TO
SUPPLEMENTAL RULE B(1)(b)**

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

GERALD WEATHERS, having been duly sworn, deposes and states the following under oath:

1. I am an associate in the Law Offices of Simon Harter, Esq. I am familiar with the facts of this case and make this Affidavit pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

2. Deponent has made an investigation and deponent believes that based upon the results of said investigation, Defendant, FERLAND AND CO LTD., is a corporation or other business entity which cannot be “found” within this District for the purpose of an attachment under Rule B. Deponent’s investigation has consisted of the following:

(a) Deponent contacted the office of the New York Department of State, Division of Corporations, on February 21, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for the Defendant. The search result indicated that Defendant is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or international corporation;

(b) Deponent consulted Directory Assistance for New York on February 21, 2008 via Verizon Nationwide 411 and no listing for Defendant was located;

(c) Deponent consulted the current 2007 Edition of The Journal of Commerce's Transportation Telephone Tickler (Vol. 1: New York Metropolitan Area) on February 21, 2008 and no listing for Defendant was located;

(d) Deponent accessed Internet website <http://www.superpages.com> on February 21, 2008 and found no listing for Defendant in the State of New York; and

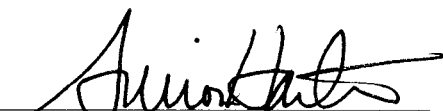
(e) Deponent is unaware of any general or managing agent(s) within this District for Defendant.

3. Based upon the foregoing, your deponent submits that Defendant, FERLAND AND CO LTD., cannot be "found" within this District for the purpose of an attachment pursuant to Rule B and seeks an Order of Attachment against such tangible and intangible property of Defendant as may be found within this District up to and including the amount of the claim as specified in the Verified Complaint.

Dated: February 25, 2008
New York, New York


GERALD WEATHERS

Sworn and subscribed to before me
this 25th day of February 2008


Commissioner of the Court